

**SECTION 116.** (a) (1) Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary and upon the acceptance of this section on or before November 1, 2003 by the legislative and executive authorities within a city, town or county or an authority or district within a city, town or county or regional retirement system, this section shall apply to an eligible employee who: (i) shall be an employee of the city, town, county, authority or district and an active member in service of the appropriate city, town, county or regional retirement system or shall be an employee of a regional school district and an active member in service of the state retirement system, but not a member of the state teachers' retirement system or Boston teachers' retirement system on the date of the regional school district's acceptance of this section or on the date of the city, town, county, authority or district's acceptance of this section; (ii) shall be eligible to receive a superannuation retirement allowance in accordance with subdivision (1) of section 5 of said chapter 32 or subdivision (1) of section 10 of said chapter 32 upon the effective retirement date specified in his written application to the retirement system; (iii) shall have filed a written application with the retirement system in accordance with paragraph (7); and (iv) shall be classified in Group 1, Group 2 or Group 4 in accordance with clause (g) of subdivision (2) of section 3 of said chapter 32. If the legislative authority in a town fails to accept this section by October 1, 2003, then the executive authority in a town may accept this section without the approval of the legislative authority. Notwithstanding the notice provisions in section 10 of chapter 39 of the General Laws or any other general or special law to the contrary, at least 7 days notice shall be given of any special town meeting that may be called in pursuance of a warrant to accept this section. Notwithstanding said section 10 of said chapter 39, or any other general or special law to the contrary, the selectmen shall call such special town meeting, upon request in writing of 200 registered voters or by 10 per cent of the total number of registered voters of the town, whichever number is lesser, and such meeting shall be held not later than 30 days after the receipt of such request.

Notwithstanding this section or any general or special law to the contrary, the legislative and executive authorities within a city, town, county or regional retirement system may designate the departments which the early retirement incentive program shall apply.

(2) For the purposes of this section, "legislative authority" shall mean a town meeting in a town or in a town having a town council form of government, the town council or the town meeting if the town council so deems, the city council subject to its charter in a city and the county advisory board in a county other than the counties of Suffolk, Nantucket and Barnstable, in which cases the county commissioners shall serve as the legislative authority, the governing body of the authority in an authority and the district meeting in a district, except for a regional school district, in which case the regional district school committee shall be the legislative authority, and "Executive authority" shall mean the board of selectmen in a town, the mayor in a city, the county commissioners in a county, the governing body of the authority in an authority and the district meeting in a district, except for a regional school district in which case the regional district school committee shall be the executive authority. Any additional retirement benefits provided by this section for employees of regional school districts who are active members in service of the state retirement system shall be funded by the appropriate regional school districts.

The early retirement incentive program shall be administered by the appropriate city, town, county, state or regional retirement system and each system shall promulgate regulations to implement the program.

(3) Notwithstanding said chapter 32 to the contrary, the normal yearly amount of the retirement allowance for an eligible employee shall be based on the average annual rate of regular compensation as determined under paragraph (a) of subdivision (2) of section 5 of said chapter 32 and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased either by adding up to 5 years of age or by adding up to 5 years of creditable service or by a combination of additional years of age and service the sum of which shall not be greater than 5, but the executive authority in a city, town, county, authority or district may limit the amount of additional credit for service or age or a combination of service or age offered. The executive authority in a city, town, county, authority or district may limit the total number of employees for whom it will approve a retirement calculated under this section or the total number of employees within each group classification for whom it will approve a retirement calculated under this section and, if participation is limited, the retirement of employees with greater years of creditable service shall be approved before approval shall be given to employees with lesser years of creditable service.

(4) Words used in this section shall have the same meaning as they are used in said chapter 32 unless otherwise expressly provided or unless the context clearly requires otherwise. An eligible employee who retires and receives an additional benefit in accordance with this section shall be deemed to be retired for superannuation under said chapter 32 and shall be subject to all of said chapter 32, except that for the purposes of this section and notwithstanding subdivision (1) of section 10 of said chapter 32 requiring a member classified in Group 2 to have attained age 55 on the date of his termination of service in order to receive a Group 2 benefit, any employee eligible pursuant to the criteria established in this section, who is classified in Group 2 and who is at least 50 years of age but not yet 55 years of age, shall be eligible for a retirement allowance equal to that prescribed for a member classified in Group 2 upon the application for the additional benefit in accordance with this section.

(5) The total normal yearly amount of the retirement allowance, as determined in accordance with section 5 of said chapter 32, of an eligible employee who retires and receives an additional benefit under the early retirement incentive program in accordance with this section shall not exceed 80 per cent of the average annual rate of his regular compensation received during any period of 3 consecutive years of creditable service for which the rate of compensation was the highest or of the average annual rate of his regular compensation received during the periods, whether or not consecutive, constituting his last 3 years of creditable service preceding retirement, whichever is greater.

(6) Employees eligible to participate in the judiciary retirement incentive program pursuant to chapter 218 of the acts of 2001, employees eligible to participate in the

retirement incentive program pursuant to chapter 219 of the acts of 2001, members of the state employees' retirement system, members of the teachers' retirement system and teachers who are members of the State- Boston retirement system, and employees of sheriff's departments shall not be eligible to receive any additional benefit provided pursuant to this section.

(7) Notwithstanding any provision of said section 5 of said chapter 32 that requires a retirement date within 4 months of the filing of an application for superannuation retirement in order to receive the retirement benefit provided by this section, an eligible employee shall file his application for retirement not later than a date determined by the executive authority, which shall be not later than December 2, 2003. The retirement date for eligible employees shall be determined by the executive authority and shall be not earlier than the effective date of this section and shall be not later than December 31, 2003. The retirement date for any elected official retiring under this section shall not be earlier than December 1, 2003. Notwithstanding subsection (b), the date of retirement for employees of a city retirement board and town retirement board shall be 30 days after the retirement date determined by the executive authority in the city or town. Notwithstanding said subsection (b), the retirement date for eligible employees of a county retirement board and regional retirement board shall be January 30, 2004.

(8) The executive director of the public employee retirement administration commission shall analyze, study and value the costs and the actuarial liabilities attributable to the additional benefits payable in accordance with the early retirement incentive program established by this section for each retirement system. The executive director shall file a report of his findings to the board, in writing, on or before December 31, 2004, together with copies thereof to the county commissioners, the regional retirement board, the mayor, the board of selectmen, the governing body of an authority, the district committee or the regional school district committee, as the case may be.

(9) In accordance with section 22D of said chapter 32, the retirement board of a system which administers this section shall revise its retirement funding schedule to reflect the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with this section. In each of the fiscal years until the actuarial liability determined under this section shall be reduced to zero, it shall be an obligation of the applicable city, town, county, authority or district to fund such liability and there shall be appropriated to the applicable pension reserve fund in each such fiscal year the amount required by the funding schedule and the updates thereto.

(b) (1) A city, within a city retirement system, whose legislative and executive authorities have accepted this section, shall provide to employees of the retirement board of such city retirement system the same rights and privileges of the early retirement incentive program as provided in this section under the same terms and conditions of that retirement program. A town, within a town retirement system, whose legislative and executive authorities have accepted this section, shall provide to employees of the retirement board of such town retirement system the same rights and privileges of the early retirement incentive program as provided in this section under the same terms and

conditions of that retirement program. A county whose legislative and executive authorities have accepted this section, shall provide to employees of the retirement board of such county the same rights and privileges of the early retirement incentive program as provided in this section, under the same terms and conditions of such retirement program.

(2) Employees of the retirement board of a regional retirement system, upon acceptance by the legislative and executive authorities of the regional retirement system, shall be eligible to receive the rights and privileges of the early retirement incentive program as provided in subsection (a), under the same terms and conditions as provided in said subsection (a) except that for the purposes of this paragraph and the paragraphs (3) and (7) of said subsection (a), the executive authority of the regional retirement system shall be the regional retirement board and the legislative authority shall be the regional retirement board. Notwithstanding chapter 34B of the General Laws, any person serving as the fifth member of a county retirement board shall, on the effective date of this section, be eligible for re-election as such fifth member notwithstanding that such member is an employee, retiree or official of a constituent governmental unit within the system.

(3) Employees of the Essex Agricultural and Technical Institute who are members of a regional retirement system, upon acceptance by the legislative and executive authorities, shall be eligible to receive the rights and privileges of the early retirement incentive program as provided in subsection (a), under the same terms and conditions as provided in said subsection (a) except that for the purposes of this paragraph and paragraphs (3) and (7) of said subsection (a), the executive authority of the Essex Agricultural and Technical Institute shall be the board of trustees and the legislative authority shall be the board of trustees.

(4) Employees of the Minuteman Regional School District, Blue Hills Regional School District and Greater Lawrence Sanitary District who are members of the Minuteman Regional School District Retirement System, Blue Hills Regional School District Retirement System or the Greater Lawrence Sanitary District Retirement System, upon acceptance by the legislative and executive authorities, shall be eligible for the early retirement incentive program as provided in said subsection (a). For the purposes of this section, the executive and legislative authority for the Greater Lawrence Sanitary District shall be the district board.

(c) The executive authority in consideration of the benefits conferred in this section, shall negotiate to agreement any proposed changes of any payment due to the employees for total accrued vacation time and unused sick leave in accordance with chapter 150E.